
IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FEDERAL CARBIDE COMPANY

Plaintiff,

v.

Civil Action No. 3. 3:15-cv-248

EXETER CONSTRUCTION, LLC., and

Judge Kim R. Gibson

DENNIS B. BALLARD

Defendants

MOTION TO WITHDRAW APPEARANCE

D. Matthew Jameson III, Robert M. Palumbi, and Babst, Calland, Clements & Zomnir, P.C. (hereinafter collectively referred to as “Babst Calland”) file this Motion pursuant to Rule 83.2(C)(4) of the Local Rules of Court for the United States District Court for the Western District of Pennsylvania to withdraw their appearance on behalf of Exeter Construction, LLC and Dennis B. Ballard (collectively “Defendants”), and in support thereof state as follows

1. Pursuant to the Pennsylvania Rules of Professional Conduct, Babst Calland and the Defendants entered into a written fee agreement for legal services (the “Fee Agreement”).
2. The Fee Agreement set forth the method, manner and timing for invoicing for legal services and related costs and expenses to the Claimant and payment of the invoices by the Defendants to Babst Calland.
3. The Fee Agreement provided Babst Calland has the right to terminate the Agreement if the Defendants do not timely pay invoices for legal services.
4. The Defendants materially breached the Fee Agreement by failing to pay invoices now past due.

5. The Defendants' last known address is 371 Commerce Street, P.O. Box 347, Cheswold, Delaware 19936. The telephone number used for both Exeter and Ballard is 302-363-7201.

6. In accordance with Rule 83.2(C)(4), the Defendants approve Babst Calland's withdrawal. Defendants were to provide a short written statement to be attached to this Motion. While Defendants agreed to the withdrawal, they have yet to submit a short statement.

7. The Defendants have been served with this Motion to Withdraw Appearance.

8. The procedural status of this Action is such the withdrawal of Babst Calland can be accomplished without material adverse effect on the interests of the Defendants.

9. Continued representation by Babst Calland would result in an unreasonable financial burden to Babst Calland.

10. Babst Calland believes, and therefore avers, Rule 1.16 of the Rules of Professional Conduct is satisfied.

WHEREFORE, D. Matthew Jameson III, Robert M. Palumbi and Babst, Calland, Clements & Zomnir, P.C., respectfully request this Honorable Court grant this Motion and allow withdrawal of their appearance.

Respectfully Submitted,

/s/ Robert M. Palumbi, Esq.

D. Matthew Jameson III, Esq.

PA ID No. 67764

Robert M. Palumbi Esquire

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Babst, Calland, Clements and Zomnir, P.C.

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Counsel for Defendants

Dated: October 18, 2016

CERTIFICATE OF SERVICE

I hereby certify that on October 18 , 2016 I electronically submitted the foregoing document to the Clerk of the Court for the United States District Court for the Western District of Pennsylvania, using the electronic case files system of the Court. The electronic case files system sent a “Notice of Electronic Filing” to the following individuals who, by rule, have consented to accept the Notice as service of this document by electronic means:

Jason L. Richey, Esquire
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Counsel for Plaintiff Federal Carbide Company

/s/ Robert M. Palumbi, Esq.